



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
FEBRUARY 25, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Late Arrival: Paul J. Escobar and Larry M. Medina. Absent: None. Meeting was called to order and the invocation was given by Police Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America.

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No action was taken regarding the enforcement of nuisance ordinances and failed community clean-up.  
[Esther Perez]

Ms. Esther Perez, citizen, commented on community clean-up.

Motion made by Representative Cook, seconded by Representative Power and carried to allow 3 additional minutes for Ms. Esther Perez to speak.

Representatives Escobar and Medina were not present for the vote.

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Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to delete the item on the reimbursement of destroyed property, pay for the damages, loss or reimbursement for the loss of \$450.00 for a legally purchased firearm that was taken into custody and destroyed.

NOTE: A previous firearm was taken into custody for safekeeping and later returned to said owner.  
[Willie C. Jenkins, Jr.]

.....  
Item: Representatives from The Hartford would like to discuss the circumstances and procedures involved in the decision making process regarding the City's recent RFP for the 457 Deferred Compensation Program. [Hugh Buerke & Patrick Beaman]

Mr. Hugh Burke expressed his concerns to Council.

Representatives Sumrall and Medina made comments.

Mr. David Almonte, Director of Management & Budget, made comments.

Motion made by Representative Sumrall, seconded by Representative Cobos and carried to move into Executive Session the following item:

AYES: Representatives Sumrall, Rodriguez, Power and Cobos  
 NAYS: Representatives Cook, Escobar and Sariñana  
 NOT PRESENT: Representative Medina

No action was taken on the following item: Representatives from The Hartford would like to discuss the circumstances and procedures involved in the decision making process regarding the City's recent RFP for the 457 Deferred Compensation Program. [Hugh Buerke & Patrick Beaman]

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to recess City Council at a.m. for Mass Transit Board Meeting.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to reconvene City Council Meeting following Mass Transit Board Meeting at 9:28 a.m.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approve, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Medina was not present for the vote.

#### MAYOR'S PROCLAMATIONS

1. Junior League O=of El Paso, Inc. Week
2. African American History Month.

#### \*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department, to be funded through the FY2003 Direct Funding Program of the Arts and Culture Department, together with funds from the Texas Commission on the Arts (TCA), as recommended by the Arts and Culture Department's Staff.

	ACD	TCA	TOTAL
1. Aardvark Theatre, Inc.	\$1,124	\$722	\$1,846

#### \*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department, to be funded through the FY2003 Downtown Festivals and Cultural Programs of the Arts and Culture Department as recommended by the Arts and Culture Department's Advisory Board and Staff.

1. Texas Avenue Heritage Association Jardin del Arte, a weekly arts festival at San Jacinto Plaza, from May 18 to August 31, 2003

	ACD
<b>TOTAL:</b>	<b>\$10,000</b>

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the 17<sup>th</sup> Revision to the City of El Paso Arts and Culture Department's Direct Funding Guidelines, adopted the 18<sup>th</sup> day of June, 2002, be amended as recommended by the Arts and Culture Advisory Board and Staff.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant application on behalf of the Arts and Culture Department, for submission to the New England Foundation on the Arts and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the NEFA. This grant will be used for the Discovery Series, Ballet Hispanico program for FY 2004. The grant request is as follows:

1. To request and receive \$2,000 to present Ballet Hispanico for FY 2004. New Matching funds are required at a 1:1 match.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant applications on behalf of the Arts and Culture Department for submission to the Heartland Arts Fund ("HAF") and to sign the related contracts and documents should funds be granted, either in the requested amounts or at such lesser amounts as may be approved by the HAF. These grants will be used for the World on a String International Guitar Festival, April 16 – 24, 2004. The grant requests and applicable City matching funds are as follows:

1. To request and receive \$960 for artistic fee support to present Festival of Four on April 17, 2004, for the 2004 World on a String International Guitar Festival for FY 2004. A 1:1 match of City funds is required for the amount of the grant actually awarded.
2. To request and receive \$1,275 for artistic fee support to present Gerardo Nunez on April 23, 2004, for the 2004 World on a String International Guitar Festival for FY 2004. A 1:1 match of City funds is required for the amount of the grant actually awarded.
3. To request and receive \$1,125 for artistic fee support to present the International Guitar Night on April 24, 2004, for the 2004 World on a String International Guitar Festival for FY 2004. A 1:1 match of City funds is required for the amount of the grant actually awarded.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant contract on behalf of the Arts and Culture Department for the Heartland Arts Fund ("HAF"). This is a redirection of funds from the HAF due to the cancellation of the O'Vertigo Dance Company, previously approved by Council March 12, 2002. This grant will be used as part of the payment of artistic fees to Paco Pena Flamenco Dance Company. No City match is required:

1. To accept \$1,950 for artistic fee support to present Paco Pena Flamenco Dance Company, for the 2003 Discovery Series for FY 2003.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Service Agreement between the City of El Paso and the Kronkright Center for Cultural Materials, Inc., for the restoration of the Luis Jiménez sculpture, *Los Lagartos*, at the San Jacinto Plaza in Downtown El Paso. The Contractor shall receive \$24,150.00 for providing such services to the City, and the period of services shall be from March 31, 2003 through April 11, 2003.

**\*RESOLUTION**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF E PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10008, 10034, 10120, 10565, 10566, 10567, 10568, 10569, 10570, 10571, 10572, 10573, 10574, 10575, 10576, 10579, 10580, 10581, 10582, 10583, 10584, 10585, 10586, 10587, 10588, 10589, 10590, 10591, 10592, 10593, 10594, 10595, 10596, 10597, 10598, 10599, 10600, 10601, 10602, 10603, 10604, 10605, 10606, 10607, 10609, 10610, 10611, 10612, 10613, 10614, 10615, 10616, 10617, 10618, and 10619 for irrigation water acres, in El Paso County, Texas.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and El Paso Independent School District to allow for a joint election on May 3, 2003, and a joint runoff election on May 31, 2003, if needed, for the purpose of sharing the costs.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and Ysleta Independent School District to allow for a joint election on May 3, 2003, and a joint runoff election on May 31, 2003, if needed, for the purpose of sharing the costs.

Representative Sumrall requested that the City work with the Socorro Independent School District in regards to the areas that are within the City.

Ms. Rita Rodriguez, City Attorney, responded that they would be contacting the Socorro ISD.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**A RESOLUTION AGAINST ELIMINATION OF THE TEXAS  
EXPORT CERTIFICATE PROGRAM FOR REBATING SALES TAX  
FOR MERCHANDISE EXPORTED FROM TEXAS**

**WHEREAS**, the Texas Comptroller of Public Accounts has proposed in her "Limited Government, Unlimited Opportunity" proposal in the General Government Section 31, to eliminate customs brokers issuance of the Texas Export Certificate Program, and

**WHEREAS**, the United States Constitution mandates that states not tax exports, and

**WHEREAS**, Dr. Tom Fullerton, Associate Professor of Economics at the University of Texas at El Paso, has confirmed that the City of El Paso could lose \$92 million in retail sales and over 1,300 jobs could be lost if the program were eliminated, and

**WHEREAS**, the Greater El Paso Chamber of Commerce, The El Paso Hispanic Chamber of Commerce, and the El Paso Central Business Association all support the use of the Texas Export Certificate Program to stimulate export sales to Mexico, and

**WHEREAS**, Legislation is pending that would eliminate much of the abuse cited by the State Comptroller, while maintaining the Texas Export Certificate Program and the benefits it provides to El Paso's Retailers.

**NOW, THEREFORE BE IT RESOLVED:** That the City of El Paso opposes the elimination of the Texas Export Certificate Program for merchandise exported from Texas, and

**BE IT FURTHER RESOLVED:** That the City of El Paso supports improvements to the current system to help eliminate false claims of export, provide more funding to the Comptroller's Office for administration and enforcement through permit fees for customs brokers, and enhanced requirements for identification documents and sworn exporter affidavits to curb abuse of the program.

Representative Cobos and Ms. Rita Rodriguez, City Attorney, commented on including the Resolution.

Mr. Mike Bretinger, representing the Central Business Association, stated that this is a way to bring Mexican shoppers to town. He explained that the elimination of manifestos would equal to the elimination of approximately 1300 jobs. He explained that they will be going to State legislature and requested Council's support.

Representative Rodriguez questioned how much is lost in sales as she believes that most of the Mexican shoppers completing manifestos can afford the taxes as they are buying large ticket items.

Representative Cook commented.

Mr. Mike Bretinger, commented on the competitiveness with the Mexican market due to long lines, traffic tickets, etc. All these things contribute to the reduction in sales revenue he explained.

Representative Cobos stated that shoppers would be deterred from shopping in El Paso if the Resolution is not supported.

Representative Power commented that Congress is trying to eliminate the abuses. Individuals who purchase large ticket items will take an extra step to get a manifesto.

Representative Rodriguez questioned what process is going to be implemented in order to educate the buyers.

Ms. Lizely Madrigal, El Paso Hispanic Chamber of Commerce, expressed the chamber's support of the resolution.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Professional Services Agreement between the City of El Paso and Mike Pietsch, P.E. Consulting Services, Inc. to provide assistance with the El Paso Fire Department ISO Survey.

.....  
**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the actions of the Mass Transit Department (the Department) on Saturday, February 22, 2003, related to the participation by the Department in the Black History Month Parade held by the Inter Club Council by providing one rubber wheel trolley as an entry in the parade is hereby ratified.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute an Amendment to Partnership Agreement between the Upper Rio Grande Workforce Development Board and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to extend the term of the Agreement.

Representative Power commented that the terms of the agreement would be extended to March 2003.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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**\*RESOLUTION AUTHORIZING ATTORNEYS REPRESENTING THE CITY TO SIGN A  
STIPULATION AND PROPOSED ORDER RESOLVING ALL ISSUES IN APPLICATION  
OF EL PASO ELECTRIC COMPANY FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
FOR PROPOSED 115 KV TRANSMISSION LINE IN EL PASO COUNTY, PUBLIC UTILITY  
COMMISSION OF TEXAS DOCKET NO. 26670**

**WHEREAS**, on September 20, 2002, El Paso Electric Company filed with the Public Utility Commission of Texas a case entitled: "Application of El Paso Electric Company For Certificate of Convenience And Necessity For Proposed 115 Kv Transmission Line In El Paso County," and

**WHEREAS**, the City of El Paso intervened in the case in order to question the proposed preferred route of the proposed transmission line which route was in part along Borderland Road, and

**WHEREAS**, after a hearing had been requested by the City, El Paso Electric Company reviewed its filing request and the cost of the proposed routes and determined that the route known as "Revised Route B" a route along Artcraft Road, would be a less expensive alternative route and is now the preferred route of El Paso Electric Company, and

**WHEREAS**, El Paso Electric Company has amended its application to request approval of "Revised Route B" and no longer seeks approval of a route along part of Borderland Road, and

**WHEREAS**, the Staff of the Public Utility Commission of Texas, and all the intervenors in the case at the Public Utility Commission of Texas, including land owners along Artcraft and Borderland Roads approve the new Route and have signed the Stipulation, and

**WHEREAS**, the City Council of the City of El Paso Finds that Revised Route B is a preferred Route, and desires to resolve the case by means of the Stipulation and Proposed Order.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Attorneys Representing the City before the Public Utility Commission of Texas in DOCKET NO. 26670 "Application of El Paso Electric Company For Certificate Of Convenience And Necessity For Proposed 115 Kv Transmission Line In El Paso County" are authorized to sign a Stipulation and approve a Proposed Order which would allow El Paso Electric Company to have its Certificate of Convenience and Necessity Granted for a Route known as "Revised Route B", as filed with the Public Utility Commission.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, an Access Agreement between the City of El Paso and the Encuentros Project Research Team (the Team) to allow access to conduct soil sampling and testing at various locations in and around the City of El Paso and any other City owned property or right of way deemed necessary in El Paso, El Paso County, Texas.

Representative Rodriguez commented that a map and list of properties is available. She questioned the intent.

Mr. Raymond Telles, Assistant City Attorney, gave the particulars of the list with over 13,000 properties city wide for the study. He further commented that the intent is to research soil samplings at new sites city wide. This is not a city project. Mr. Telles explained that this is a \$1.7 million dollars project and that the proposed timeline from the Texas Department of Health and Human Services is five years.

Representative Cobos commented on the need for a time line and listing of sites.

Representative Power emphasized the negative impact on properties designated as an environmental issue.

Representative Sumrall suggested that the item be postponed for one (1) week and asked that a representative from the agency make a presentation to Council before making a decision.

Motion made by Representative Sumrall, seconded by Representative Cobos and carried to postpone one (1) week the Resolution that the Mayor is hereby authorized to sign, on behalf of the City, an Access Agreement between the City of El Paso and the Encuentros Project Research Team (the Team) to allow access to conduct soil sampling and testing at various locations in and around the City of El Paso and any other City owned property or right of way deemed necessary in El Paso, El Paso County, Texas.

Representative Medina voted Nay.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and accept a Right-of-Way Easement for the installation and maintenance of traffic control equipment on Mesa Street near the entrance to the new Albertson's location, in consideration of a payment from the CITY OF EL PASO of TEN DOLLARS AND 00/100 (\$10.00) to ALBERTSON'S STORES, INC.; and that the Mayor be authorized to sign any related documentation.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Traffic Signal Agreement, and any related documentation, between the CITY OF EL PASO and ALBERTSON'S STORES INC., for the installation and maintenance of traffic control equipment on Mesa Street, at the Mesa entrance to Albertson's new location. There is no cost to the City.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Interlocal Agreement between the City of El Paso, on behalf of the El Paso Public Library, and the El Paso Community College (EPCC) to establish a jointly supported and managed library facility at the Northwest Campus of EPCC to serve the families and students of Northwest El Paso.

Representative Power applauded the joint effort.

Ms. Carol Brey, Director of Libraries, explained the benefit of adding a library to an underserved community.

Representative Sumrall expressed her support for the joint effort. She added that this effort does not take the place of the \$3 million dollar Quality of Life library to be constructed on the Westside.

Ms. Lidia Peña Perez, El Paso Community College, expressed her support of the joint effort.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the El Paso City-County Health & Environmental District and the Town of Anthony, Texas, for the provision of public health services by the Health District to residents of the Town of Anthony. This agreement is in the amount of \$11,618.30, and shall be effective from September 1, 2002 through August 31, 2003.



**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the El Paso City-County Health & Environmental District and the Town of Horizon City, Texas, for the provision of public health services by the Health District to residents of the Town of Horizon City. This agreement is in the amount of \$23,339.18, and shall be effective from September 1, 2002 through August 31, 2003.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the El Paso City-County Health & Environmental District and the City of Socorro, Texas for the provision of public health services by the Health District to residents of the City of Socorro. This agreement is in the amount of \$121,097.92, and shall be effective from September 1, 2002 through August 31, 2003.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the El Paso City-County Health & Environmental District and the Village of Vinton, Texas, for the provision of public health services by the Health District to residents of the Village of Vinton. This agreement is in the amount of \$8,438.32, and shall be effective from September 1, 2002 through August 31, 2003.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Texas State Library and Archives Commission (TSLAC) grant application in the amount of \$72,072 for the El Paso Public Library on behalf of the El Paso Area Libraries (EPAL) consortium, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any lesser amount approved by the TSLAC. This grant will be used to continue the mentor program currently funded for the EPAL consortium through a TIF Community CN2 Grant. No matching funds are required by the granting agency.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit contract with Linda King covering an exhibit of "Family History Books, Charts, Pictures" at the Main Library Branch of the El Paso Public Library System for the month of March 2003. This exhibition is at no cost to the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception for Educator Evening, March 6, 2003, 6:00 pm - 8:00 pm.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City's Civil Service Commission and the City Council.

**CAROLINA RECREATION CENTER**

**DEPARTMENT ID: 51510073, ACCOUNT 502215**

1.     **CONTRACTOR:**       Karlin Russell, Basketball Referee  
       **DATES:**           February 26, 2003, thru August 31, 2003  
       **RATE PER GM:**      \$9.00  
       **MAXIMUM AMT:**     \$720.00  
       **CONTRACT:**       2002/2003-089

**MEMORIAL PARK SENIOR CENTER**

**DEPARTMENT ID: 51510164, ACCOUNT 502215**

2.     **CONTRACTOR:**       Javier Garcia, Painting Techniques Instruction  
       **DATES:**           March 7, 2003, thru August 28, 2003  
       **RATE PER CL:**      \$18.00  
       **MAXIMUM AMT:**     \$936.00  
       **CONTRACT:**       2002/2003-090

**YOUTH IN FINE ART - SUN COUNTRY CDBG**

**DEPARTMENT ID: 51150056, 10031, G7128CD0005, ACCOUNT 502215**

3.     **CONTRACTOR:**       John W. Mackenzie, Fine Arts Instructor  
       **DATES:**           February 26, 2003 thru June 30, 2003  
       **RATE PER CL:**      \$20.00  
       **MAXIMUM AMT:**     \$1,000.00  
       **CONTRACT:**       2002/2003-091

NOTE: Item #2 of the resolution was revised from "Paining" to "Painting".

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement:

St. Mark Catholic Church Youth  
Activities Committee

Dick Shinaut Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

NOTE: Item was revised to add the word "St.".

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE G. COBIAN** to assist the Comptroller's Department as an Accounting Technician at a biweekly rate of \$1,025.26 for 40 hours per week. The term of the contract shall be for the period of March 1, 2003 through August 28, 2003.

Representative Cobos questioned if the equal employment opportunity was applied for all applicants.

Mr. Charlie McNabb, Chief Administrative Officer, gave the particulars and explained that the Civil Service Commission only approves, but does not select, the individual.

Representative Cobos questioned the Comptroller position.

Ms. Terry Bond, Human Resources Director, explained the contract renewal is through August 28, 2003.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: Resolutions for Jose G. Cobian, Adrian C. Esparza, Ruben Rodarte and Bruce W. Orndorf were all considered together.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ADRIAN C. ESPARZA**, to perform services for the El Paso Museum of Art as a Family Workshop Instructor, at an hourly rate of \$20.00, for a maximum of 2 hours per week.

See discussion for Jose G. Cobian.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: Resolutions for Jose G. Cobian, Adrian C. Esparza, Ruben Rodarte and Bruce W. Orndorf were all considered together.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RUBEN RODARTE**, to perform services for the El Paso Museum of Art as an Oil Painting Instructor, at an hourly rate of \$20.00, for a maximum of 4 hours per week.

See discussion for Jose G. Cobian.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: Resolutions for Jose G. Cobian, Adrian C. Esparza, Ruben Rodarte and Bruce W. Orndorf were all considered together.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BRUCE W. ORNDORF** to assist El Paso Police Department as a Senior Latent Fingerprint Examiner at an hourly rate of \$20.00 for 40 hours per week. The term of the contract shall be for the period of March 15, 2003 through March 14, 2004.

See discussion for Jose G. Cobian.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: Resolutions for Jose G. Cobian, Adrian C. Esparza, Ruben Rodarte and Bruce W. Orndorf were all considered together.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with BIENVIVIR SENIOR HEALTH SERVICES to lease the company Four (4) 8 Gallon Baskets for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with HIGHLANDS REGIONAL REHABILITATION HOSPITAL to lease the company One (1) 32 Gallon container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with 21<sup>ST</sup> CENTURY RESOURCES, INC. to lease the company One (1) 32 Gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with UFE, INC. to lease the company One (1) 32 Gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** the Mayor be authorized to sign an Equipment Use Agreement between the City of El Paso and Jobe Concrete Products, Inc. for the use of one (1) 25 Cubic Yard rolloff container, and authorize the Mayor to sign a License Agreement between the City of El Paso and Jobe Concrete Products, Inc. to allocate a portion of the property located at 2492 Harrison, El Paso, Texas, to be utilized as a Citizen Collection Station, on behalf of the City of El Paso Solid Waste Management. Additionally, Jobe Concrete Products, Inc. will provide an entrance gate, barricade rails to section the area and provide landscaping for an aesthetic atmosphere. The property will serve as a Citizen Collection Station, as long as the site is used only for a collection station for the use of the residents of the City of El Paso.

**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25<sup>th</sup> day of March, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7401 Bellrose Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 26, Block 12, Cielo Vista Park, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 7, Page 9, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, The Estate of Betty J. Taylor, 7401 Bellrose Drive, El Paso, Texas 79925, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance

with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;

III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25<sup>th</sup> day of March, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9560 North Loop Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 3, Block 1, Zee Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 65, Page 4, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Nicky Salayandia, 9560 North Loop Drive, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*Motion made, seconded and unanimously carried to approve the request that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Stone Ridge Unit Three  
Owner/Developer: RADCO development LTD, CO.  
Consultant: MCI Engineering

Street Improvements:

Stone Canyon Way - from the north property line of Guernsey Road to the end of cul-de-sac  
Stone View Way - from the north property line of Guernsey Road to the end of cul-de-sac  
Stone Pointe Way - from the north property line of Guernsey Road to the end of cul-de-sac  
David Ray Way - from the north property line of Guernsey Road to the southeast subdivision boundary line  
Guernsey Road - from the east property line of George Dieter Drive to the southwest subdivision boundary line  
Surgeons Drive - from the south property line of Guernsey Road to the end of cul-de-sac

Drainage Improvements:

Detention Ponding Area - at Lot 1, Block 6, 1.24ac. Area; 4.917 ac-ft. Capacity; 1-Thrust Block Structure with Concrete Rip-Rap; 166 ft. of 24" R.C.P. (Inlet Pipe); 1-Emergency Over Flow Spillway Concrete Structure; 50 ft. of 24" R.C.P.; 985 ft. x 6 ft. high Rock Wall Fence; 15 ft. x 6 ft. high Spillway Chainlink Fence; and 2-25 ft. Double Swing Vehicular Gates

40 ft. Wide Drainage Easement - at Lot 1, Block 6; 303 ft. of 24" R.C.P.; 1- Junction Box/48" Manhole with Outlet Grate; 99 ft. of 18" R.C.P.; and 92 ft. x 20 ft. x 6 ft. Concrete Channel Structure

Storm Drainage System - 1-6 Grate Drop Inlet Type III at Guernsey Road; 1-2 Grate Drop Inlet Type I; and 621 ft. of 24" R.C.P. at Surgeons Drive.

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\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications

Subdivision: Ridge View Estates Unit Seventeen  
Owner/Developer: LARKIN Inc.  
Consultant: MCI Engineering

Street Improvements:

Dakota Ridge Drive - from the northeast subdivision boundary line to the southwest subdivision boundary line  
Cloud Ridge Drive - from the northwest subdivision boundary line to the south property line of Dakota Ridge Drive; and from the north property line of Dakota Ridge Drive to the southeast subdivision boundary line  
Legacy Ridge Way - from the east property line of Cloud Ridge Drive to the southwest subdivision boundary line  
Heritage Ridge Way - from the west property line of Cloud Ridge Drive to end of cul-de-sac

Drainage Improvements:

25 ft. wide Drainage Easement - Starts at the end of cul-de-sac of Heritage Ridge Way to a point of 312.65 ft. southwest where the 62 ft. wide Drainage Easement starts to the northwest property line of Lot 31, Block 42; 2-Junction Box/72" Manholes; 359.65 ft. of 24" R.C.P.; 588 ft. x 2 ft. High Rockwall on both sides of the Drainage Easement; and 18 ft. x 6 ft. high Wrought Iron Vehicular Gate

Storm Drainage System - 1-13 Grate Drop Inlet Type III; and 54.62 ft. of 24" R.C.P. at Heritage Ridge Way, 2-2 Grate Drop Inlet Type I; 36 ft. of 18" R.C.P.; 4-Junction Box/72" Manholes; and 1684.69 ft. of 36" R.C.P. at Dakota Ridge Drive

.....  
\*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Lujan, Gilbert - Laborer

.....  
\*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Traffic Counter (1)

.....  
\*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Accounting Clerk (1)

.....



\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	1.00	Grant Coordinator	PM77
Delete	1.00	Grants Writer	PM73

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Fire Department

Delete	1.00	Firefighter	Grade 1
Add	1.00	Fire Suppression Technician	Grade 2

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Sun Metro

Delete	1.00	Information Processor Operator	GS 14
Add	1.00	Education/Graphics Technician	GS 22

\*Motion made, seconded and unanimously carried to move to approve the Staffing Table Change for Police

Add	1.00	Training Technician Instructor	GS 18
Add	1.00	Program Specialist	GS 74
Delete	2.00	Police Records Specialist III	GS 15

\*Motion made, seconded and unanimously carried to approve the request to remove Daniel Vasquez from the Airport Board by Representative Daniel Power.

\*Motion made, seconded and unanimously carried to re-appoint Jane Ratcliff to the City Accessibility Advisory Committee for the handicapped by Mayor Raymond C. Caballero.

\*Motion made, seconded and unanimously carried to re-appoint Burgo Gill to the Building Board of Appeals by Representative Daniel Power.

\*Motion made, seconded and unanimously carried to re-appoint Eric Seymour Reed to the City Accessibility Advisory Committee for the handicapped by Representative Larry Medina.

\*Motion made, seconded and unanimously carried to appoint Flora T. Sambrano to the Civil Service Commission by Representative Larry Medina.

\*Motion made, seconded and unanimously carried to appoint Burgo Gill to the Airport Board to fill an unexpired term by Representative Daniel Power.

\*Motion made, seconded and unanimously carried to appoint Shirley Roberts to the RSVP Advisory Council by Representative Daniel Power.

\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #1995-999-0626-0034, 2001-999-0558-0042 & 1996-999-1059-0034, \$1,072.87 per month installments on a balance of \$9,655.83 for 1996, 1997, 1998, 1999, 2000 & 2001 taxes; CJ's Treehouse Inc % Jaime Sandoval – 9346 Dyer.
- B. PID #1999-999-0937-0042, \$1,492.17 per month installments on a balance of \$11,937.36 for 2000 taxes; Westar Sales Corp. – 1477 Lomaland.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Sarah S. Pepe in the amount of \$3,436.78, overpayment of 2002 taxes.  
(PID #C340-999-1060-2500)
- B. Dalton Caldwell in the amount of \$8,295.12, overpayment of 2002 taxes.  
(PID # C801-999-0080-8790)
- C. Sierra Title Company in the amount of \$3,030.57, overpayment of 2002 taxes.  
(PID #C848-999-0020-3500)
- D. Lawyers Title of El Paso, Inc. in the amount of \$3,341.28, overpayment of 2002 taxes.  
(PID #H788-012-025A-0030)
- E. Lawyers Title of El Paso, Inc. in the amount of \$1,424.73, overpayment of 2002 taxes.  
(PID #L547-999-001F-6900)
- F. Lawyers Title of El Paso, Inc. in the amount of \$2,464.03, overpayment of 2002 taxes.  
(PID #M820-999-0020-0600)
- G. Stewart Title Company in the amount of \$706.86, overpayment of 2001 taxes.  
(PID #P405-999-0190-2800)
- H. Jonathan De Leon in the amount of \$900.00, overpayment of 2002 taxes.  
(PID #P915-999-0020-2800)
- I. Midland Mortgage Co. in the amount of \$2,080.03, overpayment of 2002 taxes.  
(PID #Q550-999-0050-0200)
- J. Lawyers Title of El Paso Inc. in the amount of \$695.13, overpayment of 2002 taxes.  
(PID #S162-999-0040-4100)
- K. Jorge D. Vargas in the amount of \$1,794.88, overpayment of 2002 taxes.  
(PID #V893-999-3930-2000)
- L. Stewart Title Company in the amount of \$2,167.30, overpayment of 2002 taxes.  
(PID #V893-999-0330-7300)
- M. Lawyers Title of El Paso, Inc. in the amount of \$2,845.46, overpayment of 2002 taxes.  
(PID #V897-999-0500-3200)
- N. Lereta Corporation in the amount of \$988.42, overpayment of 2002 taxes.  
(PID #Z021-999-0050-2800)

.....  
\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2002-097 for "Radio Hardware for Patrol Cars", with Alamo Auto Supply.

Department: Police Department  
Funds Available: 508006-27260-04252003-PMB0004130  
Funding Source: FY03 City Capital Equipment – Certificate of Obligation  
Items: #1 – Qty. 42 @ \$55.34/each  
#3 – Qty. 10 @ \$60.93/each  
#4 – Qty. 2 @ \$52.55/each  
#6 – Qty. 58 @ \$44.16/each  
#6a – Qty. 58 @ No Charge  
#7 – Qty. 58 @ \$49.75/each  
#8 – Qty. 58 @ \$7.83/each  
#9 – Qty. 58 @ \$139.19/each  
#10 – Qty. 58 @ \$35.78/each  
#11 – Qty. 58 @ \$19.00/each  
#13 – Qty. 5 @ \$83.29/each

Award Amount: \$20,606.31  
.....

\*Motion made, seconded and unanimously carried to award Bid No.: 2003-012 Furniture for Armijo Library Branch

Award to: Vendor 1: Office Depot  
El Paso, TX  
Items: 1, 2, 3, 5, 6, 7, 8, 9 and 10  
Amount: \$20,006.10

Award to: Vendor 2: BPSI  
El Paso, TX  
Item: 4  
Amount: \$595.20

Department: Library  
Funds available: 04102010-27503-P540010CTY-508009  
Funding source: Capital Outlay (Interest from Cash Revenue)  
Total award: \$20,604.30

The Library and Purchasing Departments recommend award as indicated to the lowest responsive offers meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Furniture for the Armijo Library Branch. Office Depot offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract; BPSI offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discounts are offered by either vendor.

.....  
\*Motion made, seconded and unanimously carried to award Bid No.: 2003-041 Helicopter Mounted Forward Looking Infrared System

Award to: FLIR Systems Inc.  
N. Billerica, MA  
Item: 1  
Amount: \$273,821.00  
Department: Police  
Funds available: 21150048-05335-G210223-508007 &  
21150060-16371-P500231-508007  
Funding source: Local Law Enforcement Block Grant, Equipment &  
Technology FY02 (\$240,000.00) and Federal  
Confiscated Funds (\$33,821)  
Total award: \$273,821.00

The Police and Purchasing Departments recommend award as indicated to the sole responsive, responsible offer meeting specifications, which was submitted by FLIR Systems, Inc. A lower offer was received from WESCAM SONAMA, dba WESCAM, however, that offer was non-responsive because all the components required to make the system interchangeable between two helicopters, as specified, were not provided in their offer.

This is a fixed-price, single (one-time) purchase, to purchase a Helicopter Mounted Forward Looking Infrared System. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety - (90) days from the date of award of the contract. No prompt payment discount is offered.

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\*Motion made, seconded and unanimously carried to award Bid No.: 2003-074 Building Filters

Award to: J.F. Filtration, Inc.  
El Paso, Texas  
Items: All  
Amount: \$19,564.40 (estimated)  
  
Department: Municipal Services – Maintenance Division  
Funds available: 31010325-503200 Building Maintenance Police Facilities  
31010326-503200 City Wide Building Maintenance  
31010327-503200 Building Maintenance Fire Facilities  
31010328-503200 Viscount Building  
Total award: \$19,564.40 (estimated)  
Districts: All

Municipal Services – Maintenance Division and Purchasing Department recommend award as indicated; this vendor is the responsible and responsive bidder meeting specifications.

This is a twelve - [12] month contract with the no option to extend the term of the contract.

Passage Supply, Grainger, and Pan-American Filtration do not meet specifications. Alco Industrial provide no test results of product been offered.

.....  
\*Motion made, seconded and unanimously carried to award Bid No.: 2003-080 30 Cubic Yard Roll Off Containers

Award to: BES PAC / MID-SOUTH WASTE EQUIPMENT  
New Albany, MS  
Item: 1  
Amount: \$45,549.90  
  
Department: Solid Waste Management  
Funds available: 04252003-27261-PMB004160-508029  
Funding source: FY03 Solid Waste Management Capital Equipment,  
Certificates of Obligation  
Total award: \$45,549.90  
Districts: All

The Department of Solid Waste Management and Purchasing Department recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase 30-Cubic Yard Roll Off Containers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety - (90) days from the date of award of the contract. No prompt payment discount is offered.

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-326 AIRPORT

Transfer of funds to cover increased cost of security due to increased contract rates, added positions.

Increase	\$123,000	to	62620009/40101/502212	Security Cont
Increase	\$123,000	to	62620009/40101/407001	Intrfd Trf In
Increase	\$123,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$123,000	to	62620018/P50000241021/507001	Intrfd Trf Out

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-361 AIRPORT  
Transfer of funds to cover cost of modifications to the rental car ready lot and east employees' parking lot.

Increase	\$8,000	to	62620005/40101/503203	Pub Access
Increase	\$8,000	to	62620005/40101/407001	Intrafd Trf In
Increase	\$8,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$8,000	to	62620018/P50000241021/507001	Intrafd Trf Out

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-362 AIRPORT  
Transfer of funds to set up funding for terminal security checkpoint project.

Increase	\$ 700	to	62620031/G620AIP001911508/502205	Legal Notices
Increase	\$ 7,000	to	62620031/G620AIP001911508/502302	PrntShopChgs
Increase	\$ 2,000	to	62620031/G620AIP001911508/502304	Mailrm Chgs
Increase	\$ 607,850	to	62620031/G620AIP001911508/508016	Arch & Design
Increase	\$ 5,300	to	62620031/G620AIP001911508/508021	CityEngChg
Increase	\$ 60,000	to	62620031/G620AIP001911508/508024	Testing
Increase	\$ 65,000	to	62620031/G620AIP001911508/508026	Inspections
Increase	\$6,686,021	to	62620031/G620AIP001911508/508027	Construction
Increase	\$ 60,000	to	62620031/G620AIP001911508/508051	PrgMgtCtyEng
Increase	\$3,504,254	to	62620031/G620AIP001911508/407001	Intrafd Trf In
Increase	\$3,504,254	to	62620018/P50000241021/407002	Est Rev
Increase	\$3,504,254	to	62620018/P50000241021/507001	Intrfd Trf Out
Increase	\$3,989,617	to	62620031/G620AIP001911508/406000	FedGrtProc

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-364 MUSEUM

To appropriate funds donated by the Border Fund. Funds to be used for busing Neighborhood Kids and scholarships for after school programs.

Increase	\$8,400	to	54154001/G54000707402/405060	Donations
Increase	\$8,400	to	54154001/G54000707402/502215	OutsideCont

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-373 MUNICIPAL SERVICES

Municipal Services proposes to appropriate \$1,635,000 to fund construction for New Pool at Delta Site. Funding source is 3<sup>rd</sup> YR Quality of Life.

Increase	\$1,635,000	to	31130614/PPW005700360067/407020	Bond Proc
Increase	\$ 5,000	to	31130614/PPW005700360067/508022	City Adm
Increase	\$ 20,000	to	31130614/PPW005700360067/508024	Testing
Increase	\$ 25,000	to	31130614/PPW005700360067/508026	Inspection
Increase	\$1,585,000	to	31130614/PPW005700360067/508027	Construction

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-374 MUNICIPAL SERVICES

Municipal Services proposes to appropriate \$1,700,000 to fund construction for Relocation of Washington Sr. Center. Funding source is 3<sup>rd</sup> YR Quality of Life.

Increase	\$1,700,000	to	31130614/PPW005700260066/407020	Bond Proc
Increase	\$ 5,000	to	31130614/PPW005700260066/508022	City Adm
Increase	\$ 20,000	to	31130614/PPW005700260066/508024	Testing
Increase	\$ 25,000	to	31130614/PPW005700260066/508026	Inspection
Increase	\$1,650,000	to	31130614/PPW005700260066/508027	Construction

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-375 MUNICIPAL SERVICES

Municipal Services proposes to appropriate \$3,957,000 to fund construction for Westside Regional Library Branch. Funding source is 3<sup>rd</sup> YR Quality of Life.

Increase	\$3,957,000	to	31130612/PPW005600160049/407020	Bond Proc
Increase	\$ 240,000	to	31130612/PPW005600160049/508009	Furniture
Increase	\$ 100,000	to	31130612/PPW005600160049/508024	Testing
Increase	\$ 100,000	to	31130612/PPW005600160049/508026	Inspection
Increase	\$3,492,000	to	31130612/PPW005600160049/508027	Construction
Increase	\$ 25,000	to	31130612/PPW005600160049/508051	Prog Mgmt

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-377 SOLID WASTE

Intradepartmental transfer of temporary personnel services to Department I.D.'s actually utilizing such services for remainder of Fiscal Year 2003. Collections and Recycling have the heaviest work need for RMPersonnel from early Spring through end of Fiscal Year in August.

Decrease	\$72,000	from	34010294/40403/502001	TempSvcs
Decrease	\$25,000	from	34010296/40403/502001	TempSvcs
Decrease	\$42,000	from	34010298/40403/502001	TempSvcs
Increase	\$79,000	to	34010291/40403/502001	TempSvcs
Increase	\$60,000	to	34010293/40403/502001	TempSvcs

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-378 SOLID WASTE

To provide funding promoting public awareness of safe hazardous waste disposal, setup of collection sites; cover additional TCEQ permit fees, and assisting Downtown Management District in maintaining Downtown more receptive to tourism.

Increase	\$111,000	to	34010291/40403/403140	Est Rev
Decrease	\$139,000	from	34010296/40403/504401	Environ Qlty
Decrease	\$140,000	from	34010298/40403/504401	Environ Qlty
Increase	\$300,000	to	34010289/40403/502115	MgtConsult
Increase	\$ 40,000	to	34010289/40403/505200	Comnity Svc
Increase	\$ 25,000	to	34010291/40403/502116	Promo Svcs
Increase	\$ 20,000	to	34010291/40403/502411	Lses NOC
Increase	\$ 5,000	to	34010296/40403/504414	Prof Licenses

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-379 PARKS AND RECREATION

This budget transfer requests an appropriation increase to bring the kitchen at the Eastside Senior Center up to Health Department standards. Funds come from accumulated fund balance. Monies are not available from other sources.

Increase	\$24,000	to	51510404/P50022616326/407002	Est Rev
Increase	\$24,000	to	51510404/P50022616326/508003	BldgImprv

.....

**ORDINANCE 15360**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 9, 10 AND THE NORTH 6 FEET OF LOT 8, BLOCK 5, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1119 NORTH VIRGINIA STREET) FROM A-2 (APARTMENT) TO A-O (APARTMENT-OFFICE). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15361**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 26, 28, & 29B, BLOCK 4, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (SUNSET ROAD/MONTOYA MAIN LATERAL) FROM R-1 (RESIDENTIAL) TO R-2A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adauto, Director of Planning, Research and Development, gave the particulars and explained that the request is to permit planned residential. She added that they received six letters in opposition and 11 letters in support.

Representative Sumrall expressed the neighbors' concerns in regards to property values.

Representative Cobos explained that property values would increase and that eventually this would be in District 8 rather than District 1.

Representative Sariñana commented on the developer's agreement to build an eight feet rock wall as mentioned by Representative Sumrall.

Ms. Risher Gilbert, representing the applicant, explained that they had meetings with the neighbors and came up with a list of concessions such as no windows on Ballerina Street.

Representatives Cobos and Sumrall asked questions on setbacks from Ms. Adauto.

Ms. Pat Adauto clarified that R1 is the lowest residential zoning rather than R3A.

Ms. Mildred Field, citizen, expressed her concerns in opposition.

Mr. Glenn Gibson, citizen, expressed his concerns in opposition.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to allow additional 2 minutes for Mr. Glenn Gibson to speak.

Ms. Joanna Dodge, citizen, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15361 and 15362 were considered together.

.....  
**ORDINANCE 15362**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02025, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH PRIVATE STREETS, VARIABLE LOT SIZES AND REDUCED SETBACKS ON TRACTS 26, 28 & 29B, BLOCK 4, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (SUNSET ROAD/MONTOYA MAIN LATERAL) PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN SECTION 20.68 OF THE EL PASO MUNICIPAL CODE.**

See discussion for Ordinance 15361.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Sumrall, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15361 and 15362 were considered together.

.....  
**ORDINANCE 15363**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02028, TO ALLOW FOR A CHURCH ON A SITE OF LESS THAN THREE ACRES ON A PORTION OF LOT 25, BLOCK 3, FAIRBANKS HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (4525 FAIRBANKS) PURSUANT TO SECTION 20.36.040.E (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for further public comment. There was no further public comment.

Representative Sumrall asked questions of Ms. Pat Aauto, Director of Planning, Research and Development, to which she explained that the special permit and added that the City Plan Commission (CPC) and the Development Coordinating Committee (DCC) recommended approval.



Mr. Robin Archer, citizen, commented.

Mr. Todd Marler, citizen, commented.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15364**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02031 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOT 32 & A PORTION OF LOT 31, BLOCK 58, FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1725 EAST YANDELL), PURSUANT TO SECTION 20.64.175. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Aauto, Director of Planning, Research and Development, gave the particulars.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15365**

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS TO BE HELD WITHIN THE CITY, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE.**

Representative Cook recommended revisions to the ordinance.

Motion made by Representative Medina, seconded by Representative Sumrall and carried to postpone until June 2003 when the new administration takes over the above Ordinance.

AYES: Council Members Sumrall, Medina and Escobar  
NAYS: Council Members Rodriguez, Cook, Power, Sariñana and Cobos

Motion to postpone until June 2003 FAILED.

Mr. Steve Cates, Reporter Channel 9 News, suggested that the special election be publicized in the newspaper and the media as well.

Mr. Frank Delgado, President of the City Employees Association, expressed his concerns.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to allow an additional 3 minutes for Mr. Frank Delgado to speak.

Ms. Joanna Dodge, citizen, commented.

Mr. Ted Marquez, Traffic Engineer Division Manager-Engineering, requested that City Engineers not become unclassified.

Mr. Robert Stanton, citizen, commented on the pension fund administrator.

Mr. Charlie McNabb, Chief Administrative Officer, suggested to list City Engineers as unclassified and appointed as to Assistant City Attorneys, are.

Ms. Rita Rodriguez, City Attorney, provided legal advice.

Mayor Caballero expressed concerns with the City's pension plan and stated the following for the record: "will not contribute to the change of our City's constitution so prematurely".

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Rodriguez, Cook, Power, Sariñana and Cobos		
NAYS:	Council Members Sumrall, Medina and Escobar	Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was moved into executive session with the consent agenda.

.....  
**ORDINANCE 15366**

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING SOFIA GONZALEZ TO USE A PORTION OF EASTWOOD (ALBUM) PARK FROM 1:30 PM TO 4:30 PM ON MARCH 1, 2003 FOR A BIRTHDAY PARTY.**

Motion duly made by Representative Power, seconded by Representative Medina, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos		
NAYS:	None	Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## ORDINANCE 15367

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING THE NATIONAL KIDNEY FOUNDATION OF WEST TEXAS, INC. TO USE EASTWOOD ALBUM PARK FROM 7:00 AM UNTIL 12:00 PM ON APRIL 26, 2003.**

Motion duly made by Representative Escobar, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

### RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 1005 S. Tays Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: 8 and 9, Block 30, Maggofin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 19, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Sally Mena record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 25<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. That the structure can be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the Building be secured and maintained secure within (30) days; and
- b. That the premises be cleaned and maintained clean of all weeds, trash and debris within (30) days; and
- c. That a public hearing be scheduled for April 22<sup>nd</sup>, 2003, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and

- d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Thomas Mr. Thomas Maguire, Building Permits & Inspections Department, presented the case to Council Members and gave the Department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representatives Sumrall and Sariñana were not present for the vote.

.....  
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 7637 Hacienda Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: 13, Block 4, Hacienda Heights, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 12, Page 11, Plat Records of El Paso county, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Manuel E. & Martha Maese, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 25<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. That the structure can be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the Building be secured and maintained secure within (30) days; and
- b. That the premises be cleaned and maintained clean of all weeds, trash and debris within (30) days; and
- c. That a public hearing be scheduled for April 22<sup>nd</sup>, 2003, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and

- d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
- e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Thomas Mr. Thomas Maguire, Building Permits & Inspections Department, presented the case to Council Members and gave the Department's recommendation(s)

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to approve the above Resolution.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 4473 Eleanor Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Fernando Lopez, 10360 Jimenez Lane, El Paso, Texas 79927, has been notified of the violations at this property.  
.....

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**That** the Director of Purchasing be authorized to terminate Contract No. 2001-211C titled Airport Chiller and Maintenance Services pursuant to the provisions and requirements of Clause 18(A) of the Contract Clauses due to convenience of the City of El Paso and to notify Harris Heating and Cooling that the City is terminating the contract. The termination shall be effective as of February 25, 2003.

1<sup>st</sup> Motion:  
Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

2<sup>nd</sup> Motion:  
Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to reconsider the above Resolution.

Mr. Gerald Harris, Harris Heating and Cooling, commented on the buyout and the use of in house employees to perform the work when his company has a contract with the City until August 2003.

Representative Escobar stated that he did not believe his contract has a buyout clause.

3<sup>rd</sup> Motion:  
Motion made by Representative cook, seconded by Representative Cobos and unanimously carried to move into executive session the above Resolution.

4<sup>th</sup> Motion:  
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.  
.....

## RESOLUTION

**WHEREAS**, the City of El Paso ("City") Awarded Contract No. 2003-051-C1 in the estimated amount of \$6,000.00 for uniforms for the Parks and Recreation Department to Bazaar Uniforms and Men's Wear on January 21, 2003; and

**WHEREAS**, the City now desires to terminate the contract with Bazaar Uniforms and Men's Wear for convenience.

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** Contract No. 2003-051-C1 with Bazaar Uniforms and Men's Wear for uniforms for the Parks and Recreation Department is hereby terminated for convenience.

**THAT** the Director of Purchasing is hereby ordered to notify the vendor in writing of such termination.

Motion made by Representative Sumrall, seconded by representative Cook and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to approve the request of the Coalition Against Violence Toward Women & Families on the Border to hold a march on March 8, 2003 from 3:00 p.m. to 8:30 p.m. Route: Start at the San Jacinto Plaza to Mills, left on South El Paso St. to Santa Fe Bridge. Approximately 200 persons will take and 200 spectators are anticipated. This request includes a signed affidavit to waive fees for the necessary police traffic assistance. This request also includes permission to use amplification (microphone & speakers- sound system). PERMIT NO. 03-013

Deputy Chief Gary Brickley from the El Paso Police Department gave the particulars.

Dr. Kathleen Staudt, applicant, provided the reasons why the particular location was selected.

.....  
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to accept the annual report of the El Paso Police Department pertaining to their analysis of the race and ethnicity information collected in conjunction with traffic stops, as required by Article 2.132, Code of Criminal Procedure.

Representative Cobos was not present for the vote.

Richard Wiles, El Paso Interim Police Chief, gave the report and stated that the department does not have problems with racial profile.

.....  
Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing.

Representative Cobos was not present for the vote.

- A.** An Ordinance granting a Special Privilege to DAT Productions, Inc., to permit the temporary use and closure of portions of the public rights-of-way along Paisano Drive; Yandell Drive; Main Drive; and Sun Bowl Drive for the purpose of filming a motion picture from March 17, 2003 through April 11, 2003. (Fee: \$2,860.00, SP-03003)



- B. An Ordinance amending Ordinance No. 014787, which granted a Special Privilege to Keller & Azar Joint Venture, Inc., Owner, and Boeing North American, Inc., Lessee, to permit the temporary use of a portion of Threadgill Avenue for security purposes, by extending the term through March 16, 2005 (Fee: \$7,800.00, SP-98143B)
- C. An Ordinance permitting Westside Community Church to use a portion of Frank Delgado Park from 12:00 PM until 4:00 PM on April 19, 2003.

**PUBLIC HEARING WILL BE HELD MARCH 11, 2003 FOR ITEMS A - C**

- D. An Ordinance changing the zoning of Lots 44 - 50 and a portion of Lots 51-55, Block 62, COTTON ADDITION, El Paso, El Paso County, Texas (1620 Myrtle Ave.) from M-1 (Manufacturing) to C-4 (Commercial). The penalty being as provided in Section 20.68 of the El Paso Municipal Code. Applicant: Congrecion Amor de Dios / Representative: Ernie Valdez, P. O. Box 971354, El Paso, TX 79997. ZC-02056
- E. An Ordinance Granting Special Permit No. SU-02023, to allow for a church on a site of less than three acres on Lots 44-50 and a portion of Lots 51-55, Block 62, COTTON ADDITION, El Paso, El Paso County, Texas (1620 Myrtle) pursuant to Section 20.42.040.A. (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial) Applicant: Congrecion Amor de Dios / Representative: Ernie Valdez, P. O. Box 971354, El Paso, TX 79997.
- F. An Ordinance Granting Special Permit No. SU-02024 to allow for a parking reduction on the property described as Lots 44 - 50 and a portion of Lots 51-55, Block 62, COTTON ADDITION, El Paso, El Paso County, Texas (1620 Myrtle Ave), pursuant to Section 20.64.175. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-4 (Commercial) Applicant: Congrecion Amor de Dios / Representative: Ernie Valdez, P. O. Box 971354, El Paso, TX 79997.

**PUBLIC HEARING WILL BE HELD ON MARCH 18, 2003 FOR ITEMS D – F**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**ADDITION TO THE AGENDA**

\*Motion made, seconded and unanimously carried to approve the request of Spirit Life Christian Center to use amplification (2 amplifiers, 4 speakers, and 4 microphones) on March 1, 2003 and March 15, 2003 from 2:30 p.m. to 5:30 p.m. Approximately 10 persons will take part and 50 spectators are anticipated.  
PERMIT NO. 03-014

**RESOLUTION**

**THE STATE OF TEXAS,  
COUNTY OF EL PASO,  
CITY OF EL PASO.**

**WHEREAS,** the El Paso Housing Finance Corporation (the "Issuer") was duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, Chapter 395, Texas Local Government Code, as amended, for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe, sanitary housing for persons of low and moderate income at prices they can afford; and

**WHEREAS,** the Issuer has determined to issue its Single Family Mortgage Revenue Refunding Bonds, Series 2003A for the purpose of refunding a portion of the Corporation's Single Family Mortgage Revenue Refunding Bonds, Series 2001C, Single Family Mortgage Revenue Bonds Series 2001D-1 and 2001D-2 and its Single Family Mortgage Revenue Refunding Bonds, Series 2003B for the purpose of refunding a portion of the Corporation's Single Family Mortgage Revenue Refunding Bonds, Series 2003A for the purpose of providing additional funding to certain qualified low and moderate income home buyers to afford the costs of acquiring and owning decent, safe, and sanitary housing to finance single family residences located within the City of El Paso, Texas, the purchase price of which does not exceed certain limits, and

**WHEREAS,** the Issuer has conducted and held a public hearing regarding issuance of the Bonds of February 24, 2003, at 9:00 a.m. pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and

**WHEREAS,** the City approves and encourages the Issuer in its efforts to accomplish the issuance of the Bonds and, as part of such transaction, is willing to provide its General Certificate, and for the Mayor of the City to provide his Certificate concerning the conduct of the Public Hearing on February 24, 2003, copies of which are both attached hereto as Exhibits to this Resolution and made a part hereof for all purposes; and (Exhibit on file with this Resolution in the City Clerk's Office)

**WHEREAS,** the City Council of the City of El Paso hereby authorizes the Mayor to execute both the said General Certificate of the City of El Paso and the Mayor's Certificate, and deliver same to the Issuer.

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of El Paso, Texas, that:

1. The Preambles to this Resolution set forth above are incorporated herein and made part of this Resolution.
2. The Mayor of the City of El Paso is hereby authorized to execute a General Certificate of the City of El Paso and the Mayor's Certificate in the form attached as Exhibits to this Resolution and deliver same to El Paso Housing Finance Corporation to be used in connection with the issuance of its Bonds.

Representatives Sumrall and Power made comments.

Mr. Bobby Bowling, Patriot Mortgage, volunteered himself as a resource.

Representative Cook thanked Patriot Mortgage for their support.

Representative Medina commented on the history of the Housing Finance Corporation and their fairness to lenders.

Mr. Norman Gordon, bond council, explained that the mechanism that makes this work is that the interest is tax exempt.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the above Resolution.

Representative Sariñana was not present for the vote.

No action was taken on the report regarding the Adult Business Ordinance.

Ms. Laura Gordon, First Assistant City Attorney, presented the report.

.....  
\*Motion made, seconded and unanimously carried to postpone two (2) weeks the following executive session item:

Regarding Contract No. 2000-170 with Karjee Contractors, Inc. (551.071)

.....  
\*Motion made, seconded and unanimously carried to postpone two (2) weeks the following executive session item:

Regarding Contract No. 2000-259 with Karjee Contractors, Inc. (551.071)

.....  
Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:14 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- |                 |                                          |
|-----------------|------------------------------------------|
| Section 551.071 | CONSULTATION WITH ATTORNEY               |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY     |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS                        |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES  |

Discussion and action on the following:

- A. Carmen Molina, 03-A-002 (551.071)
- B. Lee Boulevard Right of Way Acquisition - TIP Roadway Construction Project (551.072)
- C. Representatives from The Hartford would like to discuss the circumstances and procedures involved in the decision making process regarding the City's recent RFP for the 457 Deferred Compensation Program. (551.071)
- D. An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance. (551.071)
- E. Resolution that the Director of Purchasing be authorized to terminate Contract No. 2001-211C titled Airport Chiller and Maintenance Services pursuant to the provisions and requirements of Clause 18(A) of the Contract Clauses due to convenience of the City of El Paso and to notify Harris Heating and Cooling that the City is terminating the contract. The termination shall be effective as of February 25, 2003. (551.071)

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 11:35 a.m., during which time motions were made as follows:

.....  
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to settle its subrogation interest in the claim of **CARMEN MOLINA; Our file No. 03-A-002** as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City's agent and City Attorney be authorized to negotiate counteroffers from property owners for right of way acquisition of Lee Boulevard for the following Parcels 7 and 31, as recommended by the City Attorney, and that the Mayor and City Attorney be authorized to sign any related documents.

No action was taken on the following item: Representatives from The Hartford would like to discuss the circumstances and procedures involved in the decision making process regarding the City's recent RFP for the 457 Deferred Compensation Program. [Hugh Buerke & Patrick Beaman]

Item: An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Rodriguez, Cook, Power, Sariñana and Cobos		
NAYS:	Council Members Sumrall, Medina and Escobar	Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the Resolution that the Director of Purchasing be authorized to terminate Contract No. 2001-211C titled Airport Chiller and Maintenance Services pursuant to the provisions and requirements of Clause 18(A) of the Contract Clauses due to convenience of the City of El Paso and to notify Harris Heating and Cooling that the City is terminating the contract. The termination shall be effective as of February 25, 2003.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 1:05 p.m.

APPROVED AS TO CONTENT:

  
Richarda Duffy Momsen, City Clerk